



April 14, 2016

VIA ECF

The Honorable Judge Paul G. Gardephe
United States District Court Judge
Southern District of New York
40 Foley Square, Room 2204
New York, NY 10007

Re: Bouveng v. NYG Capital, LLC, *et al.*
Docket No.: 14-cv-5474 (PGG)

Dear Judge Gardephe:

Plaintiff Hanna Bouveng wishes to proceed with her Breach of Contract claim, Count 13 of the Second Amended Complaint (the "SAC"), which had been severed by Order dated June 5, 2015. Plaintiff does not require additional discovery at this time.

However, pursuant to Federal Rules of Civil Procedure 15(a) and/or (d), Plaintiff requests leave to amend and/or supplement the SAC for the purpose of setting forth occurrences or events that have happened since the filing of the SAC and which are directly related to Plaintiff's breach of contract cause of action. Plaintiff respectfully requests that the Court grant Plaintiff leave to amend and/or supplement the SAC or, in the alternative, schedule a conference to discuss any issues associated with said request.

Specifically, at the time of filing the SAC, Defendants Wey and NYGG had committed *at least* eight separate breaches of the Agreement at issue. Since that time, Wey and NYGG have committed – and continue to commit – a plethora of additional breaches that could not have been addressed in the SAC. Without leave, Plaintiff will be unfairly barred from recovering damages for these breaches which could not have been pleaded in the SAC because those events had not yet occurred.

Alternatively, in the event that this Court feels that amending and/or supplementing the SAC is not necessary in order for Plaintiff to assert the additional breaches and recover all applicable damages for the subsequent breaches, Plaintiff requests a time period of 60 days for the purpose of conducting motion practice related to the breach of contract cause of action.

Respectfully submitted,


Benedict P. Morelli, Esq.

cc: Counsel of Record (via E-filing)

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